

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION**

In re:

Cambrian Holding Company, Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 19-51200

(Jointly Administered)

**ORDER GRANTING MOTION OF THE LIQUIDATING
TRUSTEE FOR AN ORDER AUTHORIZING THE ABANDONMENT AND
DESTRUCTION OF CERTAIN RECORDS**

Upon the motion (the “**Motion**”)² of Ellen Arvin Kennedy, solely in her capacity as the Liquidating Trustee of the Cambrian Liquidating Trust (the “**Liquidating Trust**”), for entry of an order (this “**Order**”) authorizing the abandonment and destruction of certain records; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors’ creditors and other parties in interest; and this Court having found that the Liquidating Trustee’s notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set

¹ The “**Debtors**” in these chapter 11 cases are (with the last four digits of their federal tax identification numbers in parentheses): Cambrian Holding Company, Inc. (8203), Cambrian Coal LLC (3394), Apex Energy, Inc. (3455), C.W. Augering, Inc. (2875), Marshall Resources, Inc. (9735), PLM Holding Company LLC (7427), Bear Branch Coal LLC (0674), Clintwood Elkhorn Mining LLC (6910), Gatliff Coal LLC (5768), Perry County Coal LLC (4382), Ray Coal LLC (0981), Whitaker Coal LLC (8270), Pike-Letcher Land LLC (8952), Premier Elkhorn Coal LLC (8951), Raven Rock Development LLC (1351), Rich Mountain Coal LLC (1974), S.T. & T. Leasing, Inc. (0340), T.C. Leasing, Inc. (7705), and Shelby Resources, LLC (5085).

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted in all respects.
2. The Trustee may abandon, dispose and destroy the Obsolete Records and Employment Records as defined in the Motion to the extent that they are unnecessary to the administration of the Liquidating Trust.
3. Prior to the destruction of the Obsolete Records or the Employment Records, the Trustee will provide a complete list summarizing in reasonable detail the documents to be destroyed to counsel for the Term Loan AP Defendants to allow the Term Loan AP Defendants to assess whether any such documents may be relevant to the Term Loan AP. After receipt of the list of documents to be destroyed, counsel for the Term Loan AP Defendants will have ten days to inform the Trustee, in writing, of any documents that the Term Loan AP Defendants would like to review (the “Review Period”). If counsel for the Term Loan AP Defendants does not inform the Trustee of any documents that the Term Loan AP Defendants wish to review within the Review Period; then the Trustee may destroy the Obsolete Records and Employment Records. If counsel for the Term Loan AP Defendants does inform the Trustee of any documents that the Term Loan AP Defendants wish to review within the Review Period, the Term Loan AP Defendants shall also provide the Trustee with the dates and times on which they are available to review the documents, which in all cases shall occur prior to December 20, 2021. The Term Loan AP Defendants may then inform the Trustee of any the documents that they wish to copy. At the conclusion of the Review Period, the Trustee may destroy any Obsolete Records and Employment Records that the

Term Loan AP Defendants have not identified as documents that they wish to copy or that the Term Loan AP Defendants and the Trustee have not otherwise agreed will be retained

4. The Liquidating Trustee is authorized to take all reasonable actions and to incur necessary costs to effectuate the relief granted in this Order in accordance with the Motion.

5. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

TENDERED BY:

/s/ T. Kent Barber
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HAVE SEEN AND AGREED

/s/ April A. Wimburg
April A. Wimberg
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Counsel for the Term Loan AP Defendants

The affixing of this Court's electronic seal below is proof this document has been signed by the Judge and electronically entered by the Clerk in the official record of this case.



Signed By:
Gregory R. Schaaf
Bankruptcy Judge
Dated: Monday, November 8, 2021
(grs)